

LINCOLN PLANNING BOARD

SEPTEMBER 28, 2011

APPROVED

The regular meeting of the Planning Board was held on Wednesday, September 28, 2011, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:01 p.m. The following members were present: Gerald Olean, John Hunt, Michael Reilly and Jeffrey Delgrande. Kenneth Bostic arrived late. Also in attendance were Town Planner Al Ranaldi, Town Solicitor Anthony DeSisto and Town Engineer Laszlo Siegmund. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Timothy Griffin. Member Griffin called the Chairman and was excused.

Chairman Olean advised that four members were present; have quorum.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has no zoning applications this month and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an

item.

Motion was made by member Hunt to accept the consent agenda as presented was seconded by member Reilly. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**a. Reservoir Avenue Apartments AP 6 Lot 374 Public Hearing –
7:00 PM**

**Joseph Kishfy Reservoir Avenue Preliminary Plan
Discussion/Approval**

Chairman Olean called the Public Hearing to order at 7:03 pm. Roll call of the abutters list was read by the recording secretary. There were no responses to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is before the Board for a Public Hearing at Preliminary Plan stage. The application represents the development of two (6) unit apartment buildings with associated parking on one lot. The proposed development required a Special Use Permit from the Zoning Board which has been obtained. The Board has until January 19, 2012 to make a decision. There have been no changes since the master plan submittal and approval. The

applicant has received an approval from RIDEM. All utilities have submitted letters of availability. Barring any unforeseen circumstances brought out at this public hearing, the TRC recommends preliminary plan approval with conditions as listed in the TRC report. Most of the conditions will be required at the building permit stage. One of the conditions is that 25% of the units are designated as affordable according to the requirements of Rhode Island Housing. The TRC also recommends that final plan approval be delegated to the Administrative Officer.

Member Kenneth Bostic arrived at 7:05 pm to join the Board. Mr. Bostic arrived during Mr. Ranaldi's presentation.

Joseph Raheb, attorney for the applicant, made a brief presentation to the Board. Mr. Raheb stated that their presentation has not changed since master plan. Since there is no public for this hearing the applicant will stand by its previous presentation. Mr. Raheb stated that the applicant has no issues with the conditions listed in the TRC report.

Chairman Olean opened up the meeting to comments from the public. No members of the public came forward. Motion was made by member Reilly to close the public hearing at 7:09 pm was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Reilly to accept the TRC recommendations and approve preliminary plan with conditions and delegate final plan approval to the Administrative Officer. The motion was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Poirier Subdivision AP 36 Lot 75 Public Hearing – 7:00 PM

**Ms. Jeanne Poirier Old Main Street Manville Preliminary Plan
Discussion/Approval**

Chairman Olean called the Public Hearing to order at 7:10 pm. Roll call of the abutters list was read by the recording secretary. There were three responses to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is a Major Subdivision here tonight for a Public Hearing at preliminary plan stage. This application was elevated from a minor subdivision to a major subdivision because the existing house and garage required zoning relief. The applicant has received the necessary relief from the Zoning Board. The zoning relief was not due to the proposed subdivision. The Board has until January 19, 2012 to make a decision. The application represents the subdivision of one lot into two lots. The new subdivided lot will have 8,500 square feet. The

remaining lot with the existing house and garage will have 9,082 square feet. The new lot meets all zoning requirements for up to a two family residential. The TRC has reviewed the plans and asks for some granite bounds to be installed to delineate the new lot property corners. Barring any unforeseen concerns brought out at the public hearing, the TRC recommends approval with conditions which are listed in the TRC report. Most of the conditions would be addressed at the building permit stage.

Jeanne Poirier, applicant, stated that she just wishes to divide the lot into two. No construction will be done immediately. Ms. Poirier just wishes to subdivide the lot. Chairman Olean asked if Ms. Poirier understands the conditions the TRC has put forward. Ms. Poirier responded that she does understand and has no issues with them.

Chairman Olean opened up the meeting to comments from the public. No members of the public came forward. Motion was made by member Reilly to close the public hearing at 7:18 pm was seconded by member Bostic. Motion was approved by all members present.

Motion made by member Reilly to approve preliminary plan with conditions as listed in the TRC report and delegate final approval to the Administrative Officer. The motion was seconded by member Hunt. Motion was approved by all members present.

b. Kirkbrae Ledges Subdivision-Phase 11 AP 32 Lot 45

Preliminary Plan

Kirkbrae Ledges, LLC Lancers Ln. & Hemlock Rd. Discussion/Approval

Mr. Ranaldi stated that this application is in front of the Board at preliminary plan review stage. The Board has until December 8, 2011 to make a decision. There were two concerns left over from last month's hearing. The two concerns were sidewalks and the width of the roadway. The sidewalks have been added to the plan. The applicant reached out to the Albion Fire Department. The Albion Fire Department submitted a letter to the Board saying they do not have jurisdiction to make a comment regarding the width of the road. The letter deferred to the Board's judgment. The TRC took that into consideration along with advice from the Water Commissioner who is an engineer. The TRC made a suggestion based on the National Standards for Highways to have two 10 foot roadway lanes and one 6 foot parking area which come out to 26' wide. The TRC took this information under consideration and voted to send that to the Board for your consideration. The waiver would then be to reduce the pavement width from 30 feet to 26 feet with 7 feet of easement area running alongside of the paved area. The applicant is here tonight to state why they are asking for this waiver. The TRC did review the plans and there still are a few technical issues that need to be worked out which are minor in nature. The TRC also reviewed the other documentation supplied including the requested waivers which are

outlined in the TRC report. The TRC recommends that the applicant return next month for a public hearing.

Nicholas Goodier, attorney for the applicant, made a presentation to the Board. Mr. Goodier stated that the plans have been revised since the last appearance before this Board. Sidewalks are now included in the plans on one side of the proposed roadways. Therefore, the applicant is modifying the waiver request for sidewalks to be on one side only because the regulations require sidewalks on both sides of the street. Additionally, an update to the submission package has been given to the Board showing the operation and maintenance plan for the sewer force mains. A memorandum has been submitted outlining the schedule of inspections that would need to take place by a professional engineer regarding the retaining walls. Lastly, the consent agreement between the applicant and RIDEM has been submitted. This agreement lists an acceptance of the lot configurations, especially lot 12, by RIDEM. The TRC did consider the applicant's request for a waiver from the 30' pavement width to 24'. The TRC ultimately recommended a 26' wide pavement width which the applicant agrees to. Chairman Olean inquired about the waiver for the sidewalks. Mr. Goodier responded that the original plan showed no sidewalks on either side of the roadway. After meeting with the Board and TRC the applicant has revised the plans and added sidewalks to one side of the roadway. Chairman Olean asked to speak with the applicant's engineer.

Chairman Olean asked the applicant's engineer, Cari Orsi, if she was

familiar with the Town of Lincoln Land Development Subdivision Regulations. Ms. Orsi responded that she was familiar. Chairman Olean read a section of the regulations stating “concrete sidewalks are required to be installed on at least one side of all mapped streets.” Chairman Olean further stated that the applicant does not need a waiver for sidewalks and the applicant should be clear on what waivers they are requesting. Chairman Olean asked the applicant to explain why they want to make the pavement width smaller. Mr. Goodier responded that the roadway to be constructed will only service ten lots and there is no room for expansion of this roadway. The applicant is also trying to reduce the amount of impervious surface in the development. The reduction of roadway width also helps reduce traffic speed. The reduction of roadway width was supported by the Town Planning Department. Member Delgrande inquired about the maintenance of the retaining walls especially since they are in the wetlands. Ms. Orsi responded that the walls are not in the wetland area and will be constructed and inspected to engineered specifications. The Town has also requested the engineer responsible for inspecting the wall carry liability insurance on their stamp at least five years beyond the last inspection date.

Motion made by member Hunt to move this application to a Public Hearing next month was seconded by member Bostic. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

a. Reynolds Subdivision AP 20 Lot 52 Preliminary Plan

David Reynolds Carriage Drive Discussion/Approval

Mr. Ranaldi stated that this application is for a minor subdivision at preliminary plan review stage. The Board has until November 25, 2011 to make a decision. The application represents the subdivision of one lot into two lots. Upon review of the plans the Board will notice that the applicant took down two portions of the existing house. This brought this lot back to the way it was originally developed as. The subdivision would create two lots. The lot with the house on it would contain 29,453 square feet. The new lot would be 18,150 square feet. No new roads are proposed and utilities are existing in the roadway. The one concern brought out at the TRC was the wetlands. This property abuts a pond in Lincoln Woods State Park. The applicant is here to explain that there is no wetlands jurisdiction on this piece of property. The TRC reviewed the plans and submitted evidence regarding the wetlands and are confident with the applicant's claims regarding the wetlands. Barring any unforeseen concerns, the TRC recommends approval with conditions as listed in the TRC report. Chairman Olean expressed a concern about the wetlands issue. Mr. Ranaldi stated that the applicant will provide testimony that this lot is not under the jurisdiction of wetlands. Member Reilly expressed that he would like to see something from RIDEM stating that fact. Town Solicitor Anthony

DeSisto responded that the Board could make that letter from RIDEM a condition of approval.

John Shekarchi, attorney for the applicant made a brief presentation. Mr. Shekarchi stated that the Town Planner gave a good explanation of this application. The applicant requests to divide this lot into two lots similar to when this area was originally platted. The biggest issue is the jurisdictional wetlands. The applicant has a wetlands biologist here tonight to testify that this property is outside the jurisdictional wetlands.

Scott Rabideau, wetlands biologist for Natural Resources Inc., made a presentation for the Board. Mr. Rabideau did an inspection of the property and found that Olney Pond is on the other side of Stump Hill Road. The property is elevated up from Olney Pond. Mr. Rabideau took a reference point from the property and used it to scale off an Ariel photograph to determine that this property is outside the 50 foot perimeter wetland. In this case Stump Hill Road separates the pond from this property. Mr. Rabideau feels that getting the letter from RIDEM should be a 3 to 4 week process which could be a condition of approval. Chairman Olean expressed that the Board would like a letter from RIDEM so there is no questions about the wetlands issue. Mr. Shekarchi requested that the condition be placed for the building permit stage in order to proceed with the subdivision process. Chairman Olean stated that he is not comfortable with accepting the letter at building permit stage. Mr. Shekarchi then requested that the

final plan approval be delegated to the Administrative Officer once the letter from RIDEM is received by the Town. The Board was comfortable with that request.

Motion made by member Reilly to accept the TRC recommendations of preliminary plan approval with conditions listed in the TRC report. An added condition of approval is that the Town receives a letter of determination from RIDEM acceptable to the Town prior to final plan approval and delegate final plan approval to the Administrative Officer. The motion was seconded by member Delgrande. Motion was approved by all members present.

Chairman Olean asked the Town Solicitor if he had read the letter from the Albion Fire District regarding Kirkbrae Ledges. Mr. DeSisto responded that he had not read the letter. Chairman Olean gave the Solicitor an opportunity to read it. The letter basically states that the Fire Department has no authority over the road width and leaves it up to the Board. Mr. DeSisto believes that there was some confusion as to what the Fire Department was requested to do. The Fire Department is correct that they don't have jurisdiction however the Fire Department is supposed to render advice or recommendations. The Solicitor requested the opportunity to contact the Fire Department and advise them of their role in this process to eliminate confusion in the future. The Board agreed and requested that the Solicitor make such contact with the Fire Department.

Motion made by member Reilly to adjourn at was seconded at 7:58 pm by member Bostic. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

On September 21, 2011 at 3:00 pm, the Technical Review Committee

met to review the agenda items for the September 28, 2011 meeting of the Planning Board. In attendance were Al Ranaldi, John Faile, Laszlo Siegmund, Russell Hervieux, Peggy Weigner, and Michael Reilly. Below are the Committee's recommendations.

Major Land Development Review

a. Reservoir Avenue Apartments AP 6 Lot 374 Public Hearing – 7:00 PM

- Joseph Kishfy Reservoir Avenue Preliminary Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the land development of two 6-unit apartment buildings and associated parking areas on one lot. The proposed land development project requires a Special Use permit for three or more dwelling units on a lot. On September 21, 2011, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. Therefore, a decision on the preliminary plan review must be made by January 19, 2012, or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division

reviewed the above proposed land development project according to the 2005 Land Development and Subdivision Regulations preliminary land development plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Proposed Site Layout Plan – 141 Reservoir Avenue - AP 6 Lot 374, 351 and 428 - Lincoln, Rhode Island”, prepared for Joseph Kishfy, 1 Morning Star Court, Lincoln, Rhode Island by FCI Engineering Group, LLC, Pawtucket, Rhode Island, dated October 26, 2010 and revised through March 14, 2011. Also included within the submittal was a letter of “Insignificant Alteration – Permit” from the Rhode Island Department of Environmental Management dated April 7, 2011 for property located on Assessor’s Plat 6, Lots 351, 374, and 428, Lincoln, Rhode Island. Also submitted was a letter of “Water Availability – Proposed 6 Unit Residential Apartments, Lincoln Plat Map 6, Lot 374 (new lot merger)” from the Pawtucket Water Supply Board, 85 Branch Street, Pawtucket, RI 02860 and a letter from the Lincoln Water Commission dated August 11, 2011. Below are the Technical Review Committee’s comments.

Site Plan

The proposed site layout represents the razing of an existing commercial building and associated parking areas and the development of two, 6-unit apartment buildings and associated parking areas and play area. The applicant proposed to capture and treat stormwater run-off in a system of four underground infiltration units. Any excavation in the Town’s right-of-way (Reservoir Avenue)

will require a Road Excavation permit.

Wetlands/Drainage

Spectacle Pond is within very close proximity of the proposed work. A permit or determination from RIDEM Wetlands Section is required for land development approval. In a letter from the Rhode Island Department of Environmental Management dated April 7, 2011, a permit of insignificant alteration was determined and a permit was issued for the proposed land development. Per the Town ordinance as well as RIDEM regulations, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. A note should be placed on the plan stating, "A sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on the new proposed lot. This plan will be required at the building permit application phase".

The Town requires that the owner install dry wells on the two proposed buildings to capture the roof runoff. A note should be placed on the plan stating, "Drywells shall be installed on the proposed buildings. The type and precise location of the drywells will be required at the building permit application phase". The notes placed on the plans will be required as a condition of Preliminary Plan approval.

Utilities

The new building is proposed to be connected to public water and

sewer. The owner must determine if the sewer line is owned by the Town of Lincoln or the City of Pawtucket. Based on projects along this road, the TRC believes that the sewer is owned by the City of Pawtucket. Approval for a connection to the existing sewer system is required as a condition of the Preliminary Plan approval. The applicant must obtain a road opening permit before construction from the Town of Lincoln if the proposed sewer service connection is a new, separate connection. The applicant must obtain a permit from Narragansett Bay Commission for the sewer flows. The applicant must obtain approval to be connected to public water for the proposed new building. The Lincoln Water Commissioner stated at this month's TRC meeting that public water from the existing water line owned by the Lincoln Water Commission (LWC) is adequate and available for the proposed project. The Lincoln Water Commissioner stated that the existing 1 ½" service line is in adequate condition to accommodate the additional units. Therefore, connecting to the City of Pawtucket's public water line will not be necessary.

Zoning Approval

This project requires a Special Use permit for the development of two 6-unit apartment buildings within this zone. This zoning applicant was heard and approved by the Zoning Board during its August 2, 2011 meeting. As a condition of approval for the Special Use permit, the Zoning Board requires that a minimum of 25% of the units be designated as affordable according to the requirements and standards of Rhode Island Housing. This recommendation is also

stated below in the TRC recommendation for this Major Land Development project.

Based on the Preliminary Plan submission and barring any unforeseen concerns brought out at the Public Hearing, the Technical Review Committee recommends Approval with Conditions of this Preliminary Plan. The following are the conditions of Preliminary Plan approval.

- 1. A note should be placed on the plan stating, “A sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on the new proposed lot. This plan will be required at the building permit application phase”.**
- 2. A note should be placed on the plan stating, “Drywells shall be installed on the proposed buildings. The type and precise location of the drywells will be required at the building permit application phase”.**
- 3. Approval for a connection to the existing sewer system is required.**
- 4. A minimum of 25% of the units shall be designated as affordable according to the requirements and standards of Rhode Island Housing and recorded in the land evidence records.**

The TRC recommends that the Final Plan approval be delegated to the Administrative Officer.

Major Subdivision Review

a. Poirier Subdivision AP 36 Lot 75 Public Hearing – 7:00 PM

- Ms. Jeanne Poirier Old Main Street Manville Preliminary Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. All lots are accessed from an existing road. The proposed project is classified as a Major Subdivision due to the need for zoning relief for the existing house and garage. On September 21, 2011, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. Therefore, a decision on the preliminary plan review must be made by January 19, 2012, or within such further time as may be consented to by the applicant.

The Technical Review Committee has reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements. The submission includes a plan entitled, “Preliminary / Final Minor Subdivision – Old Main Street, AP36 Lot 75, Old Main Street, Lincoln, Rhode Island, June 23, 2011. Below are the TRC comments.

Site Plan

The applicant proposes to subdivide 8,500 square feet from the existing main lot. This subdivision will create a new vacant lot that will meet the lot size requirements for a two family house which is a permitted use in the existing zoning district. The main lot will be reduced from 17,582 square feet to 9,082 square feet. This smaller lot will meets the zoning requirements for the existing two family-house. However, this existing house and its associated garage did not meet the Town's existing set back dimensions.

The existing house and garage were built before the adoption of our current zoning regulations. The house and garage represent pre-existing nonconforming structures. Several dimensional variances will be required to bring the property into conformance once it is subdivided. The dimensional variances are not being created by the proposed subdivision. The nonconformance currently exists on the property. The applicant applied for and received the required dimensional variances by the Zoning Board on September 6, 2011.

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on the new proposed house lot. This plan will be required at the building permit stage. There is no apparent proposed disturbance of any wetlands shown on the plans. This should be noted on the plan. The TRC recommends that Drywells be installed on the proposed new house. The type and precise location

of the drywells will be required at the building permit application phase.

Utilities

The existing house and the proposed lot have access to public water and sewer. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharge. Narragansett Bay Commission permits are required at the building permit application phase.

Record plan

Granite bounds marking the location of the new property corners must be shown on the plan. The TRC recommend that the installation of granite bounds be a condition of preliminary plan approval. The TRC recommends that the Final Plan approval be delegated to the Administrative Officer.

Based on the Preliminary Plan submission and barring any unforeseen concerns brought out at the Public Hearing, the Technical Review Committee recommends Approval with Conditions of this Preliminary Plan. The following are the conditions of Preliminary Plan approval.

- 1. A note shall be placed on the plan stating that “No RIDEM wetlands exist on the subject property”.**
- 2. A note shall be placed on the plan stating that “A Narragansett Bay**

Commission permit for new sewer discharge from the new house will be required at the building permit application phase”.

3. A note shall be placed on the plan stating that, “A sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on the new proposed house lot. This plan will be required at the building permit application phase”.

4. A note shall be placed on the plan stating that, “Drywells shall be installed on the proposed house. The type and precise location of the drywells will be required at the building permit application phase”.

5. Granite bounds must be installed marking the location of the subdivision corners. This requirement shall be a condition of preliminary plan approval.

b. Kirkbrae Ledges Subdivision – Phase 11 AP 32 Lot 45 Preliminary Plan Discussion /

- Kirkbrae Ledges, LLC Lancers Lane Approval

This major subdivision project is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 10 single-family residential lots and one undeveloped lot to be deeded as permanent open space. The ten house lots are proposed to be developed off of an extension of Lancers Lane. This street extension will have two new cul-de-sacs. On October 26, 2006, the Master Plan was approved with conditions and several waivers of the subdivision regulations. The master plan approval was for 11 single-family

residential lots. Several extensions were granted by the Planning Board.

On August 10, 2011, the preliminary plan submission received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by December 8, 2011, or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements. The submission includes a full size set of plans entitled "Kirkbrae Subdivision, Phase 11, dated August 2011, revised September 13, 2011 prepared by Pare Corporation for Kirkbrae Ledges, LLC. The plan set contains 21 pages. The submission also contained: a report entitled, "Hydrologic Analysis and Design – Kirkbrae Ledges, LLC, Assessor's Map 32, Lot 45, Lincoln, Rhode Island", dated July 2006 revised May 2008, prepared by Pare Corporation for Kirkbrae Ledges, LLC, a project narrative and relief requested report submitted on June 15, 2011, a copy of a consent agreement between the State of Rhode Island, Department of Environmental Management, Administrative Adjudication Division and Kirkbrae Ledges, LLC/Gregory Richard

executed on August 17, 2010, a memorandum dated September 13, 2011 to the Lincoln Planning Board from Cari L. Powers, P.E., Pare Corporation regarding Kirkbrae Ledges retaining wall inspections was submitted, a letter dated September 13, 2011 to Albert Ranaldi from Cari L. Powers, P.E., Pare Corporation regarding Kirkbrae Ledges additional information requested during past meetings, a report entitled Lancer's Lane - Force Main Operations & Maintenance Manual dated September 2011 prepared by Pare Corporation, a letter dated September 19, 2011 to Albert Ranaldi from Law Offices of Michael A. Kelly, PC regarding Kirkbrae Ledges, Phase 11 – TRC review, a letter dated September 8, 2011 to Albert Ranaldi from the Albion Fire District, Inc., and a proposed phasing plan dated September 12, 2011 prepared by Pare Corporation.

Below are the Technical Review Committee comments.

Site Plan:

The parcel of land is located southeast and parallel to Timberland Drive. Three existing streets - Tallwood Road, Hemlock Road, and Lancers Lane, end at the property line of this parcel. The subject lot consists of 18.477 acres. Approximately half of the lot can be characterized as wetlands while the other half can be characterized as wooded upland with significant outcroppings of ledge. The proposed major subdivision application is for the development of 10 new single family house lots with associated public improvements and drainage infrastructure. The current version of this subdivision is the result of a coordinated effort with Rhode Island Department of

Environmental Management and several meetings with members of the Technical Review Committee.

A review of the plans for Kirkbrae Ledges subdivision, submitted by Pare Corporation (hereinafter Pare) on September 13, 2011 was undertaken by the Town Engineering Department. It is noted that the review was not intended to check and verify all design, such as lot areas, horizontal and vertical alignment, only to determine the general conformity of the plans with the Town of Lincoln Zoning and Subdivision Regulations, for the presentation of the required information and for over-all constructability. It was primarily conducted to see the disposition of notes provided to the designers on Memorandum #2. The comments were addressed in a letter from Pare, dated September 13, 2011.

In this letter, Pare agreed with a preponderance of the comments made and indicated that changes were made to the plans. These changes were spot checked and found to be accurate. The review by the Town Engineer concluded that the proposed design meets all of the Town's Subdivision Regulations relating to civil engineering.

The new house lots will be accessed from the extension of Lancers Lane and the construction of a new 844 foot long public right-of-way with both ends terminating with cul-de-sacs.

According to the subdivision regulations, the maximum length of any new roadway will be 720 feet long. The proposed roadway will require a subdivision waiver. This waiver was discussed and approved at the Master Plan review stage.

The applicant is requesting a subdivision waiver of the allowable

width of the public right-of-way from 50 feet down to 40 feet. The applicant is also requesting a subdivision waiver to reduce the pavement width. The original proposed pavement width was 24 feet wide with 8 feet of grassed easement area running along each side of the paved area. The applicant and the TRC presented several reasons why this waiver was presented by the applicant and supported by the TRC. The waiver is requested due to the unique characteristics of this particular subdivision. Due to the topography, configuration of the subdivision and the property's location, the proposed street will never be extended or reconfigured to service anymore than 10 single family house lots. The proposed roadway is not a through street but a dead end ending in two cul-de-sacs. These waivers will also enable the reduction in the amount of impervious pavement which will in turn reduce the size of the retention basins. The reduced pavement will also reduce the amount of maintenance that the Town will ultimately be responsible for once the road is accepted. The TRC agrees with the rational of these waivers. The TRC asked the applicant to have the local fire department review their proposal.

The Albion Fire District submitted a letter dated September 8, 2011 to the Administrative Officer stating that they spoke with the State Fire Marshalls Office and concluded that the fire department does not have the legal jurisdiction over a local community's public roadway development criteria. The letter concluded that the Albion Fire Department will support the Town's Planning Board's set guidelines as they relate to the development of new public roadways. In light of

this submitted letter, the Director of Public Works reversed his support for the waivers and stated that he supports the existing guidelines set out in the regulations. The Police Chief did not express any concerns with a reduced pavement width regarding public safety. This opinion was based on the unique characteristics of this particular proposed roadway.

Members of the Technical Review Committee took all of this information into consideration and debated the request. A TRC member referred the committee to the published roadway standards of the American Association of State Highway and Transportation Officials (AASHTO). This organization's recommended width for a local neighborhood roadway is 26 feet width. This measurement is based on two 10 foot travel lanes and one 6 foot parking lane. Therefore, the proposed pavement width for this development would be reduced from 30 feet to 26 feet wide with 7 feet of grassed easement area running along each side of the paved area. Based on the recommended AASHTO local neighborhood roadway width and the unique characteristics of this particular proposed roadway, the Technical Review Committee voted to support a subdivision waiver of the roadway width from 30 feet wide to 26 feet wide.

The site is very rugged. Significant outcroppings of ledge can be seen throughout the proposed area to be developed. There is a high probability that several methods of ledge removal will be required. Blasting is one of the likely methods. The TRC recommends as a condition of Preliminary Plan approval that the applicant closely follows all State requirements regarding blasting. The plans show

several houses will straddle significant elevation differences (example: house on lot #1 from El. 192 to El. 206) which will require large amounts of cuts or fill. The owner of the project should develop realistic infrastructure and site improvement costs as they will have to be closely scrutinized by the Engineering Department when it becomes time to establish the bond requirements.

This rugged site also requires the need for several retaining walls. These walls will ultimately become part of the public right-of-way and the responsibility of the Town. The TRC recommends that as a condition of preliminary plan approval, the developer hires a third party engineer who will supervise the construction of the proposed retaining walls and provide the Town with the proper documentation stating that the engineer supervised the construction of the retaining walls and that the retaining walls have been constructed in accordance with the recommended installation methods. Pare submitted the proposed wall inspection requirements. The requirements are appropriate, however, the TRC recommends the following elements for inclusion in the document:

1. The Engineer shall prepare an inspection report for each inspection event. The report shall be stamped and signed by the Engineer and submitted to the Town.
2. The Engineer shall submit to the Town his professional liability (errors and omissions) insurance with limits that the town considers adequate in case of wall(s) failure. The insurance must remain in force for at least 5 years.

The property has extensive wetlands on it. The majority of the wetland complexes are located to the west of the proposed development. However, a section of one of the proposed house lots is located within a 200 foot riverfront buffer area. Therefore, house lot #12 does not conform to the minimum buildable area due to a 200 foot riverfront buffer area and would require a waiver of the subdivision regulations. The TRC was told by the applicant that the RIDEM has reviewed this proposed house lot configuration and feels that it is acceptable. The TRC reviewed the house lot configuration and the need for a subdivision regulation waiver. The TRC feels that based on the unique characteristics of the property, the waiver is acceptable.

Public Utilities:

All public utilities will be underground. Due to the existing and proposed topography created by this rugged site, five of the new houses are proposed to be connected to the public gravity sewer system by private force mains running along private easements. The TRC reviewed this option and feels that it is an acceptable method as long as each force main is located on private property. The applicant submitted a proposed "Force Main Operations & Maintenance Manual" that will be given to each new homeowner. A homeowners association made up of the five houses using force mains will be established in order to ensure the requirements set out in this manual. Each new homeowner will have to be notified of their responsibility for this system. The notification can be done within

each deed. This notification language should be reviewed by the Town Solicitor. All houses will be directly serviced with public water.

The need for private easements running along some of the property lines has created minimum buildable lot area issues for two proposed house lots. Lot #1 and Lot #5 do not conform to the minimum buildable area due to steep slopes and the presence of private easements. A waiver from the subdivision regulations would be required for each house lot. The TRC reviewed these two waivers and feel that they are reasonable due to the unique characteristics of the property.

An additional 20 foot wide easement running from the proposed roadway through town owned property (AP30 Lot 9) and down to state highway system (Rt. 295) will provide a connection of water, sewer, gas, electric, and telecomm utilities for the proposed I-295 southbound rest area. This easement will also provide an additional public water connection across I-295 which will improve water system operation and fire protection capabilities for the Town of Lincoln. This easement was a negotiated condition of development with the State of Rhode Island. The requirement of the developer to provide an easement to the State of Rhode Island for use at the I-295 northbound rest area could be a condition of preliminary plan approval. Easement language will have to be worked out between the State of Rhode Island and the Town of Lincoln for the portion of town owned land where the future utilities will be installed.

Subdivision Waivers:

The Planning Board approved a total of 11 subdivision waivers for this project at the Master Plan review stage. At this review stage, ten proposed house lots required and received a waiver from the minimum buildable lot area. These lots contained steep slopes and/or easement areas. The applicant also was granted a waiver from the maximum length of the roadway from 720 feet to 820 feet. As stated above, the applicant has spent significant time and effort with RIDEM and the TRC to develop the current development plans. At the Preliminary Plan review stage of this subdivision, the applicant is requesting six waivers from the subdivision regulations. The waivers are as follows:

- 1. Lot #1 does not conform to the minimum buildable area due to steep slopes and easements.**
- 2. Lot #5 does not conform to the minimum buildable area due to steep slopes and easements.**
- 3. Lot #12 does not conform to the minimum buildable area due to a 200 foot riverfront buffer area.**
- 4. The length of the proposed roadway from the allowed 720 feet to 844 feet.**
- 5. Reduce the right-of-way width from 50 feet to 40 feet**
- 6. Reduce pavement width from 30 feet to 26 feet wide with 7 feet of grassed area running along each side of the paved area.**

The TRC reviewed each of these waivers and feels that based on the unique characteristics of the property, the proposed subdivision

regulation waivers are acceptable. The TRC recommends that the applicant incorporate the comments presented by the Town Engineer and the TRC and return in October for a public hearing. An abutters list will need to be updated and delivered to the Town Planner a minimum of three weeks before the September meeting.

Minor Subdivision Review

**a. Reynolds Subdivision AP 20 Lot 52 Preliminary Plan Discussion /
- David Reynolds Carriage Drive Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. All lots are accessed from existing roadways. The proposed project is classified as a Minor Subdivision. On September 21, 2011, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by November 25, 2011 or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the above proposed subdivision according to the 2005 Land Development and

Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan set entitled “Preliminary Plan showing Minor Subdivision of Lot 52 Lincoln Assessor’s Plat 20 Located on Carriage Drive”, prepared for David Reynolds, 83 Rockridge Road, Lincoln, Lincoln, RI and prepared by Alexander and Associates dated September 15, 2011. The plan set contains one sheet. Another plan entitled, “Final Plan showing Minor Subdivision of Lot 52 Lincoln Assessor’s Plat 20 Located on Carriage Drive”, prepared for David Reynolds, 83 Rockridge Road, Lincoln, Lincoln, RI and prepared by Alexander and Associates. The plan set was not dated and it contains one sheet. A letter from Natural Resource Services dated September 2, 2011 was received. Below are the Technical Review Committee’s comments.

Site plan

The original lot is 47,603 square feet and is zoned RS-12. The proposed residential lot will be accessed from Carriage Drive and will contain 18,150 square feet. The original lot is accessed from Carriage Drive and will be reduced to 29,453 square feet. No new public roadways are required.

The plans show the 50’ RIDEM jurisdiction line to be outside of the subject lot. There was no evidence submitted to confirm this, no wetland flagging are shown on the plans. No correspondence with DEM accompanied the submittal. The plan indicates that Olney Pond is approximately 62 feet from the lot and perimeter wetland vegetation

may move the line of jurisdiction into the lot. In a letter from Natural Resource Services dated September 2, 2011, they stated that a site inspection was performed on August 25, 2011. The purpose of this site visit was to determine if freshwater wetlands are present on or immediately adjacent to the property. Based on their professional experience with the Rules and Regulations Governing the Administrative and Enforcement of the Freshwater Wetlands Act, The company concluded that the lot in question does not fall within any regulated freshwater wetland and therefore, is not subject to freshwater wetlands permitting.

This site inspection was performed by representatives from Natural Resource Services. Letters such as the one submitted for this proposed subdivision has in the past been accepted by the Planning Board. The Planning Board must determine if this letter is sufficient. As such, approval should be contingent upon demonstrating that wetland permit will not be required or that the DEM requirements are met.

Development of the new residential lot will require drainage, erosion and sedimentation controls. The applicant should be aware of the new DEM drainage requirements and these requirements will be required at the building permit stage. The drainage plans should be stamped and signed by a Professional Engineer registered in RI. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on the proposed house lot. This plan will be required at the building permit stage. The TRC recommends that

drywells be installed for the new house as a condition of the subdivision approval. The type and precise location of the drywells can be determined at the building permit application phase.

Utilities

Public utilities exists within Carriage Drive. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharges from the proposed residential lot. Narragansett Bay Commission permits are required as a condition of preliminary plan approval. The proposed sewer line will be considered private from the edge of the roadway on Carriage Drive to the proposed dwelling. A recorded sewer easement through the utility easement is required at the building permit stage. The Lincoln Water Commission (LWC) submitted a letter dated August 18, 2011 stating that public water is available to the new lot.

Submitted Plan

The submitted plan for this subdivision has several technical deficiencies. The deficiencies are noted in a memorandum from the Town Engineer and must be incorporated onto an updated plan. Due to these concerns, the TRC recommends that the applicant revise the plans and come back to the Planning Board for final plan review and approval

Record plan

Granite bounds must be shown marking the location of the new and

existing property corners. The TRC recommends that final plan approval be delegated to the Administrative Officer.

Based on the Preliminary Plan submission, the Technical Review Committee recommends Approval with Conditions of this Minor Subdivision Preliminary Plan application. The following are the conditions of Preliminary Plan approval. These conditions will have to be satisfied before final plan can be recorded and the lots can be sold.

- 1. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharges.**
- 2. A recorded sewer easement through the utility easement is required at the building permit stage.**
- 3. Granite bounds must be installed marking the location of the subdivision corners.**
- 4. Drywells are recommended as a condition of the subdivision approval. The type and precise location of the drywells can be determined at the building permit application phase.**
- 5. A sedimentation and erosion control plan must be submitted and approved for each house before any construction or earth disturbance is performed. This plan will be required at the building permit stage.**

Zoning Applications (*) – October's Zoning Applications

Please note: There is no October meeting of the Zoning Board of Review due to a lack of applications.

Correspondence/Miscellaneous

a. Staff Reports

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board